

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL A. KELLY,

1:18-CV-11467-TGB

Plaintiff,

vs.

ORDER GRANTING
PLAINTIFF'S MOTION TO
DISMISS DEFENDANT
KARANDEEP SRAON (DKT. 6)

KARANDEEP SRAON,
Interim Director,
Aleda E. Lutz VA Medical Center,

Defendant.

This case is a dispute about the United States Department of Veterans Affairs alleged failure to pay Plaintiff's travel fees (under 38 U.S.C. § 111) for a visit he made to the Aleda E. Lutz VA Medical Center in Saginaw, Michigan on February 8, 2018. The Complaint lists a single

Defendant¹ – Karandeep Sraon, who Plaintiff claims was the “Interim Director” of the Aleda E. Lutz VA medical Center at the time.

Plaintiff filed a motion to voluntarily dismiss the Complaint on May 29, 2018 (Dkt. 6). Rule 41(a)(1) provides that a case may be voluntarily dismissed by the plaintiff:

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

The opposing party has not filed an Answer, or a motion for summary judgment.² Thus, it appears that a dismissal without prejudice is

¹ When this case was docketed by the Clerk’s Office, the caption erroneously included a second Defendant – the Lutz VA Medical Center itself. However, a close reading of Plaintiff’s Complaint indicates that it only names one Defendant, Interim Director Sraon.

² Rules 23 (concerning class action litigation) and 66 (concerning receivers) do not apply to this case.

appropriate. As such, Plaintiff's motion to voluntarily dismiss (Dkt. 6) is hereby **GRANTED**, and this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

BY THE COURT:

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: June 13, 2018

Certificate of Service

I hereby certify that this Order was electronically submitted on June 13, 2018, using the CM/ECF system, which will send notification to each party. A copy was also mailed to Plaintiff, at his address of record.

s/A. Chubb
Case Manager